

Remarks

In response to the restriction requirement mailed June 9, 2005, Applicants respectfully provisionally elect the Group I claims to be prosecuted by way of the present application. That is, Applicants elect claims (1-5, 8, 12-16, 19, 25-28, 30-32, 35-39, 42-46) for prosecution in the present application.

This election is made in-part with traverse and in-part without traverse. Applicants specifically reserve the right to seek patent protection for non-elected subject matter by divisional application.

The election/restriction requirement is believed to be improper, in part, for at least the following reasons. First, the majority of claims cited in Group 2 are claims that depend upon claims in Group 1. In particular, these are claims 6-7, 9-11, 17-18, 20-22, 29, 33, 34, 40-41, and 47-48. By their nature as dependent claims, they necessarily include all the limitations of their underlying independent and respective dependent claims. As such, they cannot recite distinct inventions. As to these just mentioned claims, the rationale cited in the Office Action for establishing compliance with MPEP section 806.05 (f), is illogical and without basis in the claimed invention. The alternative "different process" proposed in the Office Action appears to be completely unrelated to the claimed subject matter of both the process claims in Group 1 and their dependent product claims which are presently proposed for Group 2. Such an illogical and irrelevant hypothetical "different process" cannot form the basis for meeting the requirement of MPEP section 806.05 (f) which is needed to make a proper election/restriction rejection.

As concerns independent product claim 23 and its depended product claims 24, 33 and 34, applicants do not object to the proposed election/restriction requirement. While the rationale given in the Office Action may not be the best, it is believed to form at least a reasonable basis for supporting the election/restriction requirement at this time. Thus, as to independent claim 23 and its dependent claims 24, 33 and 34 applicant does not traverse the election/restriction requirement.

In conclusion, applicants object to the election/restriction of the majority of claims in Group 2, in particular all those listed except for claims 23, 24, 33 and 34. As to such restricted claims, applicants request reconsideration and that these claims be considered part of the Group 1 claims being elected at this time. As to claims 23, 24, 33 and 34, applicants do not object to the election/restriction

requirement, but do reserve the right to seek patent protection for these non-elected claims by divisional application in due course.

In the event that the Office maintains the restriction of the claims in Group 2 for all claims (except for 23, 24, 33-34), if the election/restriction is maintained for these Group 2 claims then the applicants remind the Office of the need for rejoinder, if and when a generic independent claim is found to be allowable. Based on the nature of the current election/restriction rejection, and the fact that the majority of the claims in Group 2 are dependent claims upon claims in Group 1, the allowance of respective independent claims in Group 1 would provide the necessary "generic" claim to meet the rejoinder requirement of MPEP section 821.04. For this additional reason, applicants are not canceling any claims at this time, but merely making an election for the purpose of advancing the examination.

The undersigned may be reached at: 920-721-6854.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on July 8, 2005.

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